

ENTERED

October 25, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

GABRIEL AMADOR

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CRIMINAL ACTION NO. 2:08-CR-738-1

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
LETTER MOTION FOR DOCUMENTS**


Before the Court is Gabriel Amador's ("Defendant") *pro se* letter motion seeking copies of his confidential sentencing recommendation, statement of reasons, and a certain sealed document. (D.E. 111). Defendant does not state his reasons for moving this Court to provide these documents.

Defendant's motion is GRANTED insofar as it seeks a copy of his statement of reasons, D.E. 63, and a certain sealed document, D.E. 64. To the extent that he seeks a copy of his confidential sentencing recommendation from this Court, his request is DENIED. An indigent defendant does not have a right to documents at government expense unless they are necessary to decide a pending, non-frivolous action. *See* 28 U.S.C. § 753(f); *see also United States v. Herrera*, 474 F.2d 1049, 1049–50 (5th Cir.1973) ("This Court has consistently held that a federal prisoner is not entitled to obtain copies of court records at the government's expense to search for possible defects merely because he is indigent."). Defendant does not state why he needs the documents and he has no pending motions or proceedings before this Court that would entitle him to free copies of documents.

Furthermore, the confidential sentencing recommendation is prepared by the Probation Department and is a sealed recommendation to the Court. Defendant is not entitled to it. Defendant may view his Presentence Investigation Report through his case manager at the Bureau of Prisons.

For the foregoing reasons, Defendant's letter motion is GRANTED IN PART and DENIED IN PART. In accordance with the Court's instructions, the Clerk is directed to send Defendant a copy of his statement of reasons, D.E. 63, and a certain sealed event, D.E. 64.

SIGNED and ORDERED this 25th day of October, 2018.


Janis Graham Jack
Senior United States District Judge